

v.

USA

CA No: 04-335E

Motion To Order Immediate Transfer  
of Plaintiff as he Continues grave retaliation

Plaintiff Begs your honor To Order Immediate Transfer of plaintiff as he Continues grave Retaliation From McKean Staff and fears for his Life as he will Show The latest incident of October 15, 2005.

Plaintiff has been in Segregation for almost (8) Eight Months and is awaiting a false Disciplinary Transfer That is overrided By a "10 month" program That ensures plaintiff Continue To be a Victim of The F.C.I McKearns Retaliation as a Secondary punishment for Being a "Nuisance", "another Nwanze", "a Complainant". Plaintiff will show The facts as To he is limited in what he can produce but has all Documentation if your honor was To hold a hearing at F.C.I. McKean.

Plaintiff Will Now Show The increasing Number of forms of retaliation That are daily Increasing where plaintiff fears for his Life of a possible "Set-up", assault ,and oretc.

Plaintiff was Locked up on March 10,2005 and placed in Special Housing Unit,"SHU","Hole". Plaintiff lived on B-Range Since March 11, 2005 (see Exhibit A ) until he was moved on September 16, 2005 To C-Range (see Exhibit A) [a disciplinary Range] plaintiff is not on Disciplinary Status But was Told by Several officers That plaintiff is Not wanted close To Inmate Gilbert Bey # 03854-078 Because Both of us Were causing headaches with "Our" Filings. This Incident occurred as plaintiff was asking your honor To allow plaintiff assistance From Inmate Gilbert Bey #03854-078, a mysterious occurrance That plaintiff has Complained about The Tampering of Outgoing Legal mail Being opened.

On October 5<sup>th</sup>, 2005 Plaintiff was forced To go To The D.H.O hearing in where documents he requested

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Were not even presented, Especially The Surveillance Tape S.I.S Lt. Pfister Said he had in a document (Exhibit B) But DHO Schneider Said Were destroyed. Santiago gave DHO Schneider a Notice of Action he would be taking against him for many violations and a Three page Letter in his defense. (see Exhibits B-1, B-2). Both were ignored Santiago was found guilty, Sanctioned To Loss of 27 days good Time and a disciplinary Transfer (see Exhibit C)

On October 6<sup>th</sup>, 2005 @ 7:00 AM P.A. J. Ward came to plaintiffs cell so he could sign a Medical Release form for Senator Arlen Specter (see Exhibit D)

On October 14<sup>th</sup>, 2005 I was moved from C Range and put on A-range (see Exhibit A) [A and B Ranges are for administrative Inmates; C and D are for Disciplinary Inmates] This move occurred after the population in the hole was cut down dramatically and plaintiff was put into a Two-Man instead of a Three Man where plaintiff was made to sleep on the floor near the Toilet. Plaintiff was again denied to be placed on B-range as "They" said "you know you cannot be with or close to inmate Gilbert Bey".

On October 15, 2005 @ 7:00 AM The following occurred EMT-f, Douthit came to plaintiffs cell door to do a Tuberculin Skin Test (TB Testing). Mr Douthit had a bag of needles filled with unknown fluid. Plaintiff explained to Mr. Douthit that he had a pending case against F.C.I McKean Medical Personnel and was not refusing the T.B. test but would like to talk to the health administrator Mr. R. Smith because we are suppose to see what the needles are filled up with. I went on to explain that I almost died twice at the hands of F.C.I McKean Medical personnel and recently had a call with the judge Chief Magistrate

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Susan Paradise Baxter out of Erie, PA CR No 04-335E and The Region was on the phone ms. Diana Jacobs Lee. I explained I Wasn't refusing but i wanted to talk to Mr. Smith first. Mr. Douthit Said That "he filled all the needles up at the hospital To Save Time and why was I Complaining". I again Said I Wanted To See Mr. Smith and Was Not refusing. I gave a Cop Out To Correctional officer Hanes To Log in the Shift Log as To The Incident and I Wasn't Refusing.

On 10-18-05 @ 6:35AM Mr. Douthit again came to my cell and Said That Mr. Smith Said for me to take the test and I again explained That i Was Not refusing but wish to speak to Mr. Smith first. Mr. Douthit ~~had~~ became agitated and stormed off.

On 10-18-05 @ 1:05 PM I received an incident report for Code # 307 (Refusing to obey an Order of any staff member) written by Mr. Douthit given by Lt. Fiorentino.

On 10-18-05 @ 2:07PM Mr. Smith and Mr. Douthit showed up at my Cell door where I explained my situation to Mr. Smith, I explained That Mr. Douthit had lied and wrote me a shot where i did Not refuse and Mr Douthit in front of Mr. Smith admitted what i Said was True and Correct. When I asked Mr. Smith to write Mr. Douthits statement on my Incident Report and I would be glad to take the T.B. Test with Mr. Smith since he had The Needle and Container of fluid present in front of me. Mr. Smith started writing Mr. Douthits statement on my Incident Report (See Exhibit E) But Became agitated by some inmates on The Range and Walked off to another cell and talked to an inmate at that time he came back and closed my cell door slot very agitated and left A-Range. (On This Day i filed a Sensitive q To The Region: See Exhibit E)

On October 19, 2005 @ 8:00AM on my way to my one hour outside recreation I was taken to see

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The prison psychiatrist Dr. Rhinehart who was with his assistant, another psychiatrist. This Conference Took place in The Shu Law Library/ Empty Room. Dr. Rhinehart Said health Services Called him and Since he knew me from Working in The Officers mess hall he Wanted To See what The problem was. I Explained Everything to Dr. Rhinehart especially The Situation of Mr. Douthit Showing up at my Cell door with a "Bag of Needles" and he said he Totally Understood as a doctor The Situation about my Concern he Said he would Talk To Ms. Tronetti about The Incident report. Dr. Rhinehart Said if The Test Was administered The proper Way Would I Take it? I Said Yes and he called Mr. Smith who Came and administered The Test The proper way (showing The Container and The Needle), I Then went outside To The Recreational Cages.

On October 20<sup>th</sup> 2005 at 2:15PM Ms. Tronetti came To my Cell door To hold my UDC hearing. Ms. Tronetti Wrote Some of what I asked her To write down in my Defense But ignored Some of my statements. Even Though The facts Were in my favor as Mr. Douthit (EMT-P) Violated BCP Medical Protocol Ms. Tronetti found me guilty and Sanctioned me To 30 days Loss of Phone. (see Exhibit G)

On October 21, 2005 plaintiff Submitted a CopOut/Letter To The Warden as To being denied BP-8<sup>s</sup> an on going Issue Thats Been going on Since june of 2005. (see Exhibit H)

On October 21, 2005 @ 7:00pm My Counselor Doug Glenn did Bring me 14, BP-8<sup>s</sup> I asked for but Warned me Not To Write a book or he Would Not answer them. I explained That I'm Filing on my D.H.O hearing and Individual Issues. I Said you have To exhaust every available remedy before going To Court, he Said he didn't Care Don't

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Write a Book!

On October 25, 2005 at 5:00pm Mail I received an answer To my Cop Out/letter To Warden of 10-21-05 by DA Counselor Doug Glenn expressing I Will be Limited To 3 BPGs at a Time and accussed me of Trying To Tie Staffs Time with my Issues.(See Exhibits I) In over Seven Months I have Seen Mr. Glenn (DA Counselor) once a Month and This Issue has Been raised To The Warden. Simply putting it everyone Knows That Most Team Members Come To The SHTU and Sign The Log Book and Leave without Seeing Inmates for Their Needs. Most Inmates Don't Dare Complain Because of Retaliation Such as I am enduring.(Also what good are 14 BPGs or 1,400 When Mr. Glenn Doesn't answer Them)

On October 25, 2005 ms. Brenda Aponte Came To My Cell door at around 6:00pm and had me sign a form To show She had given me Several Faxed Motions By U.S. ATTORNEY Mr. Paul E. Skrtich. These Motions had To do with The schedule meeting of 10-25-05 at 10:00AM being changed To 11-2-05 at 9:30AM. Ms. Aponte Said Ms Tronetti would Not Be dealing with me anymore Because of My lawsuit. This is a clear View of Ms. Tronettis Vindictive Actions, for Five days earlier Ms. Tronetti had No Problem in Sanctioning Me To my 10-18-05 Incident Report.(see Exhibit G) On My Latest Motion Filed 9-19-05 Document 29-1 I mentioned Ms. Tronettis actions, Case Manager Bobfair , and Doug Glenn all in One Way or another hampering My ability To file administrative Remedy or have Retaliated against me in one Way another.

Plaintiff Wants your honor To know These Strings of Actions against Plaintiff are again Harsher Types of Retaliation Now, Not only for The Medical Law Suit But Also for (CA No: 05-153E) against The Warden and BOP.

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Staff. Mr. Douthits action clearly shows That This is yet another action from McKean BOP Medical Staff to harass and Try To Humiliate my Integrity. I've Been in The Shu for almost 8 eight Months shot free and Now This false accusation, Setup, Retaliation and "Mind Games" They, "BOP Staff" are playing with me in Order To yet accuse me of another Incident. I am again Being Punished in Violation of my JDCO Sanction/ Frame up and have been Ordered to be Disciplinary Transferred So why am I still here? .... In Order To again Set me up with The latest Incident of 10-18-05 Incident Number -1392642 "The bag of Needles", That Way This McKean 10 Month program Clear Conduct Starts over. This is Something plaintiff has Been Complaining about Since June of 2005.(See Exhibits J K L M N J-1 O P Q Q1 Q2 Q3 R S T I)

Plaintiffs Transfer Will Never be processed Because he has filed against his Unit Team and They are The ones who process plaintiffs papers. Also plaintiffs Team will Tell him his latest Incident Report starts The McKean "10 month" program over, a pilot program No one yet has Seen or has a Memorandum or Program Statement, etc been Seen from The Warden, Region or Central office.

On October 26, 2005 Mr Doubtit came along A-Range with Ms. S (Lab Technician) administering Flu shots. Mr. Doubtit was administering shots The proper Way Showing Inmates The Needle and fluid Before drawing the Fluid into The Needle. I Know This your honor because my Cellmate Inmate Torres# 67480-053 Recieved a flu-shot.

On October 26, 2005 Case Manager, Bob Fair Came To plaintiffs cell at around 8:15pm and Told me Ms. Tronetti Would Not Be Talking To me anymore because

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of my pending Law Suit. I asked Mr. Fair To make me some legal copie But he Said he Couldnt.

On October 26, 2005 at 8:45PM Ms. Tronetti Came on A-Range But did Not Stop By my Cell. Ms. Tronetti is The Only One who has BP 9s, 10s, 11s Phone Slips, Money Slips and Copies Administrative Remedies and also answers questions as To The overall Team. Again another form of Squeezing My abilities To get the mentioned Things.

Plaintiff will be sending the mentioned Exhibits as soon as he can get them copied, if they will copy them for him.

Plaintiff ask your honor To Issue an Order To Immediately Transfer Inmate Santiago #90304038 To another Institution in Order To stop the Retaliation he is enduring.

Plaintiff also ask That your honor Order plaintiff be allowed To pack his legal papers as program Statement 5800.12 Saids instead of The memorandum A. W. Grimm Sent Santiago. (see Exhibit 4) This assures plaintiff a receipt for his Legal Papers, Property.

Santiago Prays your honor will Order The Immediate Transfer of plaintiff.

Respectfully Submitted  
Pro-Se Ernesto Santiago  
10/27/05

CERTIFICATE OF SERVICE

I hereby certify that I have served the original and a copy of: (Motion To Order Immediate Transfer of Plaintiff as he Continues grave Retaliation) via First Class Mail on this 27th day of October 2005 to:

Clerk of Court  
P.O. Box 1820  
Erie, PA 16507  
(original)

Paul E. Skirtich (AUSA)  
700 Grant Street #400  
Pittsburgh, PA 15219  
(copy)

Ernest Santiago P.W.S.  
October 27th, 2005

Santiago's Copy: Return in S.A.S.H.

Dear Clerk,

CA-NB:04-335E

10/27/05

Can you please file the enclosed motion: Motion to Order I.T.O.P.a.h.C.G.R.  
and stamp file this and return in S.A.S.E.

Thank you!

Sincerely,  
Eric Santiago

P.S. Dear Clerk can you please send me an  
updated Docket Sheet.